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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,288	10/25/2001	Robert J. Menendez	7780-T00349	9645

83937 7590 05/05/2009

AT&T Legal Department - LNAP
Attn: Patent Docketing
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EXAMINER	
THIER, MICHAEL	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
05/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/040,288	MENENDEZ, ROBERT J.	
	Examiner	Art Unit	
	MICHAEL T. THIER	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/13/2009 have been fully considered, however they are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-9, 12-24, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (6,703,946) in view of Koenck et al. (US 6006100).

Regarding claims 1, 16. Flick teaches a vehicle comprising;

a position determination device (42; fig. 2);

a subsystem indicator indicating a condition of a subsystem of the vehicle (vehicle device 26, fig. 1, further shown in figure 2 as items 61-67);

an associated mobile communication device (figure 2 item 44); and

a hub (controller 40) in permanent communication with a computer (col. 5, ln. 49-64) remote from the vehicle (column 5 lines 35-37, i.e. the monitoring station is explained to be remote from the vehicle), the hub communicating information from the position determination device, the subsystem indicator, and the mobile communication device to the remote computer (col. 5, ln. 31-53, further see figure 2, the controller being

connected to the GPS, vehicle devices 61-67 (i.e. ignition switch, starter, etc), and wireless communications device 44, and further see column 6 lines 32-41).

However, Flick does not teach that the mobile communications device is mobile with respect to the vehicle or the idea wherein the communication device is communicates with the computer solely via the hub when the communication device is at a location apart from the service vehicle.

Koenck teaches the idea of portable devices which communicate by low power transceivers. (abstract). He teaches the idea of a portable terminal that can be carried by a user and transmit data that is entered to a communication device mounted in a vehicle (i.e. a hub). This data can then be communicated to a host computer (i.e. remote computer) from the communication device. (column 13 lines 44-column 14 lines 3, further see figures 4, 7, 18, and 19) Therefore, this clearly reads on a mobile communication device, which is mobile with respect to the vehicle (i.e. since the user can take the device door to door), and it can solely communicate with the remote computer via the hub when at a location apart from the vehicle (i.e. when the user is at the door the portable device transmits the data to the station in the vehicle, which can then transmit the data to the remote computer). This can further be understood in column 4 lines 38-61 which explains how the low power devices (i.e. portable device) can transmit the data short distances (i.e. from the portable device to the communication device in the vehicle), and then the communication device in the vehicle is a dual transceiver device that also has a high power transceiver to transmit the data

received from the low power device a remote device far away (i.e. from the communication device in the car to the remote computer).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Koenck with the teachings as in Flick. The motivation for doing so would have been to allow for an improvement in efficiency and overall cost of hand held data collection devices (Koenck column 3 lines 15-20).

Regarding claims 2, 17. Flick further teaches the position determination device comprises a GPS receiver (GPS receiver 42, fig. 2).

Regarding claims 3, 18. Flick further teaches the subsystem indicator indicates the condition of an ignition of the service vehicle (ignition switch 65, fig. 2).

Regarding claims 4, 19. Flick does not teach that the subsystem indicator indicates the condition of an odometer of the vehicle. However, Flick teaches that the subsystem indicator indicates the condition of the ignition, alarm, acceleration, battery, etc (col. 10, ln. 21 to col. 11, ln. 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Flick, so that the subsystem can provide information regarding the condition of the odometer in order to keep track how far the vehicle had traveled.

Regarding claims 5, 20. Flick further teaches the hub is in wireless communication with a cellular tower (wireless receiver 29, fig. 2, is in wireless communication with monitoring station 30, fig. 1; col. 12, ln. 15-25).

Regarding claims 6-7, 21-22. Flick further teaches the central computer communicates with an Internet site (col. 1, ln. 56 to col. 2, ln. 4; col. 13, ln. 1-14, fig. 3).

Regarding claims 8-9, 23-24. Flick does not teach the use of general packet radio service (GPRS) and cellular digital packet data (CDPD) protocols. However, these protocols are well known in the wireless art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize GPRS or CPDP advance features since CDPD shares bandwidth with cellular voice traffic. The channel is occupied just for the time it takes to send packets of data. If the channel is subsequently required for voice, the CDPD transmission will "hop" to another vacant channel.

Regarding claims 12, 27. Flick further teaches the hub is in wireless communication with a cellular tower (wireless receiver 29, fig. 2, is in wireless communication with monitoring station 30, fig. 1).

Regarding claims 13-14, 28-29. Flick does not teach the use of IEEE-802.11 (wireless LAN protocol) and bluetooth (wireless data transmission) protocols are well known in wireless art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flick teachings, so that it can be used with IEEE-802.11 (wireless LAN protocol) and bluetooth (wireless data transmission) protocols in order to reduce wiring harness, and simplifying the installation of the LAN.

Regarding claims 15, 30. Flick illustrates in figs. 1-2 that the hub is in wire-line communication with the subsystem indicator. However, wireless hub is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flick teachings, so that the hub is in wireless

communication with the subsystem indicator in order to reduce wiring harness, and simplifying the installation of the tracking system.

4. Claims 10-11, 25-26, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick (6,703,946) in view of Koenck et al. (US 6006100) in further view of Saunders et al (5,918,172).

Regarding claims 10-11, 25-26, 31. Flick teaches a vehicle comprising a position determination device (42; fig. 2); a subsystem indicator indicating a condition of a subsystem of the vehicle (vehicle device 26, fig. 1, further figure 2 items 61-67); an associated mobile communication device (figure 2 item 44); and a hub (figure 2 controller 40) in permanent communication with a computer (col. 5, ln. 49-64), remote from the vehicle (column 5 lines 35-37, i.e. the monitoring station is explained to be remote from the vehicle), the hub communicating information from the position determination device, the subsystem indicator, and the mobile communication device (col. 5, ln. 31-53, further see figure 2, the controller being connected to the GPS, vehicle devices 61-67 (i.e. ignition switch, starter, etc), and wireless communications device 44, and further see column 6 lines 32-41).

However, Flick does not teach that the mobile communications device is mobile with respect to the vehicle, or the idea wherein the communication device is operable to communicate with the computer solely via the hub when the communication device is at a location apart from the service vehicle.

Koenck teaches the idea of portable devices which communicate by low power transceivers. (abstract). He teaches the idea of a portable terminal that can be carried by a user and transmit data that is entered to a communication device mounted in a vehicle (i.e. a hub). This data can then be communicated to a host computer (i.e. remote computer) from the communication device. (column 13 lines 44-column 14 lines 3, further see figures 4, 7, 18, and 19) Therefore, this clearly reads on a mobile communication device, which is mobile with respect to the vehicle (i.e. since the user can take the device door to door), and it can solely communicate with the remote computer via the hub when at a location apart from the vehicle (i.e. when the user is at the door the portable device transmits the data to the station in the vehicle, which can then transmit the data to the remote computer). This can further be understood in column 4 lines 38-61 which explains how the low power devices (i.e. portable device) can transmit the data short distances (i.e. from the portable device to the communication device in the vehicle), and then the communication device in the vehicle is a dual transceiver device that also has a high power transceiver to transmit the data received from the low power device a remote device far away (i.e. from the communication device in the car to the remote computer).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Koenck with the teachings as in Flick. The motivation for doing so would have been to allow for an improvement in efficiency and overall cost of hand held data collection devices (Koenck column 3 lines 15-20).

However, Flick and Koenck do not teach that the central computer provides

directions to the vehicle to a subsequent destination and traffic data to the vehicle (i.e. directing the service vehicle to a subsequent service call based on information received by the central computer from the hub).

Saunders teaches the central computer provides directions to the vehicle to a subsequent destination and traffic data to the vehicle (col. 3, ln. 24-33; col. 4, ln. 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Saunders into the teachings of Flick and Rosener in order to provides an integrated and efficient technique to deliver a variety of voice and enhanced services to customers.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T THIER/
Examiner, Art Unit 2617
4/28/2008

/Patrick N. Edouard/
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